

INTRODUCED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_  
COUNCIL ACTION \_\_\_\_\_  
EXEC. ACTION \_\_\_\_\_  
EFFECTIVE DATE \_\_\_\_\_

**County Council Of Howard County, Maryland**

2005 Legislative Session

Legislative Day No.6

**Bill No. 25-2005**

Introduced by: The Chairman at the request of the County Executive

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$28,073,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County bridge, road construction and intersection improvements capital projects specified and described in the County's 2006 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized in 2001) and to pay costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with building excise taxes and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

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Introduced and read first time \_\_\_\_\_, 2005. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2005.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Bill was read the third time on \_\_\_\_\_, 2005 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Approved by the County Executive \_\_\_\_\_, 2005.

\_\_\_\_\_  
James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Recitals**

2 In accordance with the provisions of Section 603 of the Charter of Howard County, the  
3 County Executive has submitted a proposed Capital Budget for fiscal year 2006 to the County Council, and,  
4 prior to the passage of this Act, the County Council has adopted a Capital Budget for the fiscal year ending  
5 June 30, 2006.

6 As a part of the Capital Budget for the fiscal year ending June 30, 2006, it is necessary that Howard  
7 County, Maryland borrow a sum not exceeding \$28,073,000, to be used for the bridge, road construction and  
8 intersection improvements capital projects specified in the County's Capital Budget for the fiscal year ending  
9 June 30, 2006, which are more particularly described in Appendix A to this bond enabling law and for  
10 payment of costs of issuance of any obligations issued to evidence such borrowing. Of such amount, the  
11 borrowing of \$10,963,000 for certain of such projects (as indicated in Appendix A hereto in the column  
12 captioned "Amount to be Borrowed (Reauthorizations)") ("Reauthorizations") was authorized by the County  
13 during calendar year 2001, but such authorizations are expected to expire prior to the completion of such  
14 projects and/or the sale of bonds to provide permanent financing therefor. Accordingly, it is necessary that  
15 such borrowings be reauthorized.

16 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**  
17 **County:**

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard  
19 County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith and credit,  
20 and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding  
21 \$28,073,000, the proceeds thereof to be used for the bridge, road construction and intersection improvements  
22 capital projects (each, a "Project") more particularly specified and described Appendix A hereto and in the  
23 County's Capital Budget for the fiscal year ending June 30, 2006; including for each capital project, without  
24 limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping, improvements,  
25 renovations, remodeling enlargements, engineering services, architects services, surveys, landscaping, site  
26 development, evaluation studies, land acquisition and related items, appurtenances and incidental activities.

1 The Projects, and the amount to be borrowed for each (including, without limitation, any Reauthorizations),  
2 are more specifically identified and described in Appendix A thereto.

3 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such  
4 bonds.

5 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**

6 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as  
7 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of the  
8 bonds authorized by this Act and described in Section 1 hereof, and all references to "bonds" or  
9 "obligations" shall include such bond anticipation notes, unless the context clearly requires a contrary  
10 meaning. It is intended that the aggregate principal amount of issued and outstanding bond anticipation  
11 notes when added to the aggregate principal amount of issued and outstanding bonds in anticipation of  
12 which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 1 of this  
13 Act at any time. The County will agree in each ordinance described in Section 4 of this Act relating to any  
14 notes issued pursuant to this Act to pay such notes and the interest and premium, if any, thereon from the  
15 proceeds of the bonds in anticipation of the sale of which such notes are issued, and the County will agree to  
16 issue such bonds when, and as soon as, the reason for deferring their issuance no longer exists.

17 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**

18 That, in connection with the acquisition of real property as part of a Project, the County may incur all or any  
19 portion of the indebtedness authorized by this Act for such acquisition by entering into an installment  
20 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code  
21 ("Section 4.201A") or any successor provisions of law in lieu of issuing bonds for such acquisition. The  
22 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the maximum  
23 principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed for such  
24 Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to "bonds" or  
25 "obligations" in this Act shall include such installment purchase agreements, unless the context clearly  
26 requires a contrary meaning.

1           **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

2   That the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
3   accordance with Article VI of the Charter of Howard County and other applicable provisions of law, shall  
4   provide for (a) the issuance and sale of, (b) the designation, form, tenor, denomination or denominations and  
5   maturities (not exceeding twenty-five years) of, and (c) the interest rate or rates per annum (or the method of  
6   determining such rate or rates) payable on, any bonds or other obligations issued from time to time under  
7   this Act; and may by any such ordinance, or by separate resolution, provide that the issue of bonds or other  
8   obligations hereby authorized be consolidated with one or more other issues as provided in Article 31,  
9   Section 2C of the Annotated Code of Maryland, as amended, and any successor provision of law.

10           **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**

11   That for the purpose of paying the principal of and interest on such bonds or other obligations as the same  
12   shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon the  
13   assessable property in Howard County sufficient, together with building excise taxes and other available  
14   funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or other  
15   obligations shall mature and be redeemed.

16           **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**

17   That any bonds or other obligations issued from time to time under this Act are specifically exempt from the  
18   provisions of Article 31, Sections 10 and 11 of the Annotated Code of Maryland, as amended, and any  
19   successor provision of law.

20           **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**

21   That all bonds or other obligations authorized hereby shall be issued within four years from the date this Act  
22   becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such period  
23   in accordance with Section 2 hereof and such notes have a stated maturity date after such expiration date,  
24   the bonds authorized hereby may be issued until the stated maturity date of such notes.

25           **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**

26   That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to the

1 issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will depend  
2 on various factors, including, without limitation, the timing and speed of progress on the Projects, the  
3 availability of other funds to pay such costs on an interim basis, bond and money market conditions and  
4 compliance with federal and State laws and regulations.

5 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described herein)  
6 with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be  
7 issued by the County in the maximum principal amount of \$28,073,000.

8 **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**

9 That this Act shall take effect sixty-one (61) days after its enactment.

**Bridge Project**

<b>Project Description</b>	<b>Amount to be Borrowed (New Authorizations)</b>	<b>Amount to be Borrowed (Reauthorizations)</b>
B3833 FY1996 BETHANY LANE BRIDGE (H0-48) A project for the design and construction of a replacement structure for the Bethany Lane Bridge over the Little Patuxent River.		<u>\$100,000</u>
<b>Bridge Project – New Authorizations/ Reauthorizations</b>		<b><u>\$100,000</u></b>
<b>Bridge Project - Total</b>		<b>\$100,000</b>

## Road Construction Projects

Project Description	Amount to be Borrowed (New Authorizations)	Amount to be Borrowed (Reauthorizations)
J4110 FY1991 DORSEY RUN ROAD - SOUTH LINK A project for design and construction of approximately 5,000 feet of Dorsey Run Road from Guilford Rd north towards MD175 including various spot safety improvements.	\$300,000	
J4134 FY1999 DEVELOPER/COUNTY SHARE IMPROVEMENTS A project to facilitate the design and construction of roadway modifications and their appurtenances at various intersections or roadway segments.	140,000	\$ 80,000
J4143 FY1995 WINTERS LANE A project for the design, land acquisition and construction to widen 1000 feet of existing Winters Lane to minimum standards.	150,000	
J4158 FY1998 WORTHINGTON AREA VEHICULAR ACCESS A project for the design and construction of additional or improved accesses to the Worthington Area.	150,000	272,000
J4164 FY1997 ROADWAY CAPACITY IMPROVEMENTS A project to provide increased capacity and safety of various County roads and intersections .	300,000	
J4169 FY1999 DAISY/WARFIELD/UNION CHAPEL INTERSECTION A project to design and reconstruct the compound intersection of Union Chapel Road with Daisy Road and East Warfield Road.	200,000	
J4171 FY1998 STATE/COUNTY RD INTERSECTION/SEGMENT A project to design and construct State or County roadway intersections or segments within the County that facilitate the improved capacity of the combined systems.		7,312,000
J4175 FY2000 GUILFORD ROAD IMPROVEMENTS This project is for the reconstruction of existing two-lane Guilford Road, which has variable width rights -of-way to a five-lane closed section on an 80ft rights -of-way from the Anne Arundel County line to Dorsey Run Road a distance of 0.6 miles.		149,000
J4177 FY2001 STATE ROAD CONSTRUCTION A project for cost sharing of new State roadway construction within Howard County that is consistent with the objectives of the 2000 General Plan.	500,000	2,135,000
J4181 FY2003 GUILFORD RD (US1 to DORSEY RUN RD) This project is to study, design, and reconstruct Guilford Road to four lanes from US1 to Dorsey Run Road; a distance of 5,800 LF.	200,000	
J4182 FY2002 DORSEY RUN ROAD IMPROVEMENTS This project is to study, design and reconstruct Dorsey Run Road to four lanes from MD175 south to the CSX railroad spur crossing; a distance of 6,000 LF.	575,000	40,000
J4198 FY2006 WOODBINE/WELLER RD IMPROVEMENTS A project for the design and reconstruction of the intersection of Weller Drive and Woodbine Road.	70,000	

<b>Project Description</b>	<b>Amount to be Borrowed (New Authorizations)</b>	<b>Amount to be Borrowed (Reauthorizations)</b>
J4201 FY2006 MARY LANE IMPROVEMENTS A project for the design and reconstruction of approximately 1,200 LF of Mary Lane between Guilford Road and Jones Road.	\$70,000	
J4204 FY2005 US 29 IMPROVEMENTS A project for cost sharing of improvements to US29 northbound between MD175 and Middle Patuxent River.	11,000,000	
J4205 FY2006 MARRIOTTSTVILLE ROAD IMPROVEMENTS A project to widen Marriottsville Road from I70 to US40.	2,925,000	
J4706 FY2006 DEVELOPER INSPECTION PROGRAM A project to provide engineering and related services, inspection testing, inspector training, supplies, tools, equipment and vehicles necessary for site inspections for the implementation of developer projects that make additions to the public road and stormwater management systems.	100,000	
	_____	_____
<b>Road Construction Projects – New Authorizations/Reauthorizations</b>	<b><u>\$16,680,000</u></b>	<b><u>\$9,988,000</u></b>
<b>Road Construction Projects – Total</b>		<b>\$26,668,000</b>



## Intersection Improvement

Project Description	Amount to be Borrowed (New Authorizations)	Amount to be Borrowed (Reauthorizations)
T7076 FY2001 INTERSECTION IMPROVEMENT PROGRAM This project is for the design and construction of geometric modifications to improve the safety or increase capacity at various intersections.		\$800,000
T7090 FY2003 DEVELOPER / COUNTY SIGNALS A project to facilitate the design, construction, and modification of traffic signals and appurtenances at various new development locations where warranted.	\$80,000	
T7092 FY2002 STATE / COUNTY SHARED INTERSECTIONS A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and County roads.	350,000	75,000
	<hr/>	<hr/>
<b>Intersection Improvements Projects – New Authorizations/ Reauthorizations</b>	<b>\$ <u>430,000</u></b>	<b><u>\$875,000</u></b>
<b>Intersection Improvements Projects – Total</b>		<b>\$1,305,000</b>
<b>TOTAL NEW AUTHORIZATIONS/REAUTHORIZATIONS</b>	<b><u>\$ 17,110,000</u></b>	<b><u>\$10,963,000</u></b>
<b>TOTAL AMOUNT TO BE BORROWED:</b>		<b>\$28,073,000</b>